

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION**

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VARSITY SPIRIT FASHIONS & SUPPLIES,	)	
INC., and	)	
VARSITY SPIRIT CORPORATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No.: 1:10-cv-01164-JDB-egb
	)	
BILL SILLS d/b/a BILL SILLS	)	
SPORTSWEAR,	)	
SILCO, INC., a Tennessee corporation,	)	
SILLS ENTERPRISES, a Tennessee	)	
partnership, and	)	
BILL SILLS d/b/a SILSPORT CHEER,	)	
	)	
Defendants.	)	

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**CONSENT PERMANENT INJUNCTION AND FINAL JUDGMENT**

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COME NOW the parties herein and state to the Court that they have compromised and settled all differences heretofore existing between them, and that they have entered into a Settlement Agreement.

Accordingly, it is ORDERED:

1. The Court has jurisdiction over the subject matter and the parties.
2. Plaintiff, Varsity Spirit Fashions & Supplies, Inc., owns all right, title and interest in and to two-dimensional design WS-034A and related U.S. Copyright Registration No. VA 1-712-130 and U.S. Copyright Supplementary Registration No. VA 1-432-015.
3. Plaintiff, Varsity Spirit Fashions & Supplies, Inc., owns all right, title and interest in and to two-dimensional design 9213 and related U.S. Copyright Registration No. VA 1-653-808 and U.S. Copyright Supplementary Registration No. VA 1-431-676.

4. Plaintiff, Varsity Spirit Corporation, owns all right, title and interest in and to two-dimensional design 089 and related U.S. Copyright Registration No. VA 1-675-888 and U.S. Copyright Supplementary Registration No. VA 1-431-677

5. Plaintiff, Varsity Spirit Corporation, owns all right, title and interest in and to two-dimensional design 0815 and related U.S. Copyright Registration No. VA 1-675-905 and U.S. Copyright Supplementary Registration No. VA 1-431-674.

6. The two-dimensional designs referred to hereinabove are hereinafter collectively referred to as the Varsity Designs.

7. Varsity reproduces the Varsity Designs on cheerleading uniforms and other garments which it manufactures and sells (the "Cheerleading Apparel").

8. Each of the Varsity Designs is non-functional and conceptually separable from the Cheerleading Apparel on which it may appear.

9. The Copyright Registrations and Supplementary Copyright Registrations referred to hereinabove are hereinafter collectively referred to as the Varsity Copyright Registrations.

10. All of the Varsity Copyright Registrations are valid, subsisting and in full force and effect.

11. Plaintiffs have alleged in the Second Amended Complaint filed herein that Defendants have reproduced designs on cheerleading uniforms manufactured and offered for sale by Defendants which are substantially similar to the Varsity Designs, and therefore infringe Varsity's copyrights in the Varsity Designs in violation of the provisions of the United States Copyright Act, 17 U.S.C. §§ 101 et seq..

12. Defendants deny that any of their designs have infringed any of the Varsity Designs.

13. Defendants, their officers, directors, partners, agents, servants and employees, and those persons in active concert or participation with them who receive actual notice of this Order be, and they hereby are, permanently enjoined from directly or indirectly making, using, offering to sell or selling any cheerleading uniforms or other garments on which have been reproduced any of the Varsity Designs or any other designs that are substantially similar to any of the Varsity Designs, or from otherwise infringing any other designs of Varsity that are protected under the provisions of 17 U.S.C. §§ et seq.

14. The Court shall retain jurisdiction over this matter and the parties for purposes of enforcement of the Permanent Injunction provisions of this Consent Permanent Injunction and Final Judgment. The Final Judgment may be vacated as provided in the Settlement Agreement.

15. All claims set forth in the Second Amended Complaint are hereby dismissed with prejudice, with each party to bear its respective costs and attorneys' fees.

IT IS SO ORDERED this 30<sup>th</sup> day of April, 2012.

**s/ J. Daniel Breen**

UNITED STATES DISTRICT JUDGE

Agreed to and approved by:

s/ Adam S. Baldrige

Grady M. Garrison (#008097)

Michael Richards (#007973)

Adam S. Baldrige (#023488)

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